

INTERNATIONAL SEARCH REPORT
(Appended Sheet)International File Reference
PCT/EP2004/050165

10/546627

Re Point V (Novelty, Inventive Activity, Industrial
Applicability):

In this Office Action the following documents (D) are cited for the first time; the numbering will be maintained in the further proceedings:

D1: EP-A-0 987 424 (DENSO CORP) March 22, 2000 (2000-03-22)

D2: DE 100 52 570 A (BOSCH GMBH ROBERT) April 25, 2002 (2002-04-25)

1. The subject matter of **Claim 1** does not satisfy the requirement of novelty (Article 33(2) PCT), compared to D1:

D1 describes a control unit for controlling a drive assembly (column 5, lines 2-4) having at least one processor, one memory, one sensor and one actuator (column 4, lines 35-55) as well as a plurality of functional units stored in the memory element (column 6, lines 30-47), a first module, closer to the hardware, being connected to a second module, farther away from the hardware, via a signal allocating layer which allocates the digital signals of one module to the other (column 6, line 11 - column [sic], line 34).

2. Dependent **Claims 2-8** permit one to recognize no features which, in combination with Claim 1 compared to D1 and the

related art noted in the Application could still be valued as novel and inventive (Article 33(2) and (3)PCT).

3. We emphasize that, provided an examination of the Application according to Chapter II PCT is applied for, a positive examination report is only possible if the subject matter of a newly filed independent claim is distinguished from the related art (D1) by unmistakable technical features, which clearly refer to the subject matter described. In its response document, the Applicant should advance well-founded arguments that show that its new independent claim is sufficient for the regulations of Article 33(1)-(3) PCT with respect to the named related art (D1-D2).

Re Point VII (Formal Aspects):

1. In the formulation of a new independent claim, this should continue to be written in the two-part form according to Rule 6.3 b) PCT. Therefore, the features known in conjunction with each other from the related art (D1) should be combined in the preamble (Rule 6.3 b) i) PCT), and the remaining features should be specified in the characterizing part (Rule 6.3 b) ii) PCT).

2. The statement of the present invention from page 4, line 1 on of the specification should be brought into strict agreement with the content of the new claims.
3. In the introduction, the related art shown in D1 should be acknowledged.
4. In revising the claims, one should also be careful that the subject matters of the new claims are based in the original documents (Article 41(2)). For this purpose, it is expedient to state exactly in the response document on which original passages the changes in the new claims are based.

Re Point VIII (Clarity):

Claims 1 and 2 are not clear (Article 6 PCT, because in Claim 1, in the characterizing part, there is mentioned a "second" and a "third" module, although a "first" module is introduced only in Claim 2.